

REMARKS

This Reply is responsive to the Notice of Non-Responsive Amendment dated March 6, 2008. In that Notice, the Examiner requests that Applicants clarify the claims corresponding to the elected group and questions in particular whether claim 78 should be included in the elected group seeing as claim 79 is dependent on claim 78. Applicants have amended claim 79 above to be dependent on claim 76, given that a pathogen target gene as recited in claim 79 would be distinct from an endogenous target gene as recited in claim 78. The Examiner is invited, however, to examine both types of targets as this would not constitute an undue burden. No new matter has been added by way of this amendment.

In addition, Applicants were requested to elect a single species of double stranded RNA and specify the total size. Because Applicant elected a size of 21 base pairs with a single stranded loop region of nine nucleotides, Applicants did not include claims 85-89 in the listing of claims seeing as these claims are directed to RNAs of different lengths. The Examiner is nonetheless invited to examine these claims as well along with the elected group.

Aside from the invitations specified above, Applicants believe that claims 76, 77, 79, 80-82, 90, 91, 99, 100 and 141 correspond to the elected species as set forth in the Reply filed December 11, 2007. As Applicants understand, should the generic claim be found to be allowable, Applicants will be entitled pursuant to 37 CFR 1.141 to consideration of claims to additional species which depend from and require all the limitations of the allowable generic claim.

Applicants again note that claims similar to those elected above have recently been allowed in Australia (AU patent 14735/02). Applicants are anxious to advance this corresponding application to allowance and invite the Examiner to telephone the undersigned if he believes a discussion will help clarify any issue and expedite allowance.


Except for issue fees payable under 37 CFR §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1283. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: September 8, 2008

USPTO Customer No. 58249
COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
777 6th Street, NW
Suite 1100
Washington, D.C. 20001-3723
Phone: (202) 842-7800
Fax: (202) 842-7899

Respectfully submitted,
COOLEY GODWARD KRONISH LLP

By:



Bonnie Weiss McLeod
Reg. No. 43,255